



STATE OF MICHIGAN

Jennifer M. Granholm
GOVERNOR

DEPARTMENT OF LABOR & ECONOMIC GROWTH
ROBERT W. SWANSON
ACTING DIRECTOR

Michigan Occupational
Safety & Health Administration
(MIOsha)

OCCUPATIONAL HEALTH STANDARDS COMMISSION MEETING

March 8, 2006--9:30 A.M.

**State Secondary Complex, 7150 Harris Drive, Lansing
General Office Building, Conference Room B**

MINUTES

MEMBERS PRESENT:

Dr. Robert DeYoung, Vice Chairperson
Ms. Margie Vissman
Chief. Ricardo Longoria
Mr. Gary Novak
Ms. Margie Faville
Mr. David Glynn
Mr. Ronald Torbert
Mr. John Miller

MEMBERS ABSENT:

Mr. Satyam Talati

DEPARTMENT PERSONNEL PRESENT:

Mr. Doug Kalinowski	Director, MIOsha
Mr. John Peck	Director, Management and Technical Services Division
Ms. Marsha Parrott-Boyle	Program Manager, Standards Section
Mr. Robert Pawlowski	Director, Construction Safety & Health Division
Mr. John Brennan	Director, General Industry Safety & Health Division
Mr. Adrian Rocskay	Safety & Health Manager, GI Safety & Health Division
Ms. Cindy D. Eicher	Secretary, Standards Section

VISITORS ATTENDING:

Mr. Mark Gilchrist
Ms. Donna Bennett
Ms. Beth Hanna
Dr. Ken Rosenman
Ms. Cynthia Hutchens-Smith

Agenda Item #1—Call to Order and Roll Call

The March 8, 2006 Occupational Health Standards Commission meeting was called to order by Vice Chairperson DeYoung. A roll call was taken and a quorum was present.

Agenda Item #2—Approval of Minutes for December 8, 2005 Meeting

A motion was made by Commissioner Torbert and was seconded by Commissioner Miller to approve the minutes of the December 8, 2005 Commission meeting.

MOTION CARRIED UNANIMOUSLY.

Agenda Item #3—Election of Officers

Vice Chairperson DeYoung turned the meeting over to Ms. Marsha Parrott-Boyle to conduct the election of officers for 2006. Ms. Parrott-Boyle asked for nominations for Chairperson.

A motion was made by Commissioner Vissman and seconded by Commissioner Glynn to nominate Commissioner DeYoung as chairperson. Commissioner DeYoung accepted the nomination

MOTION CARRIED UNANIMOUSLY.

A motion was made by Commissioner Torbert and seconded by Commissioner Glynn to nominate Commissioner Vissman as vice chairperson. Commissioner Vissman accepted the nomination.

MOTION CARRIED UNANIMOUSLY.

Marsha Parrott-Boyle turned the meeting over to Chairperson DeYoung.

Agenda Item #4---Public Comment

No members of the public wished to make comment at this time.

Agenda Item #5—Standards Section Update—Marsha Parrott-Boyle, Program Manager

Ms. Marsha Parrott-Boyle reviewed with the commissioners that the MIOSHA Strategic Goal for FY04-08 is to 'Reduce the backlog of standards to be revised by seventy percent (70%).' She briefly reviewed the list of the 21 standards awaiting revisions including their order of priority

Ms. Parrott-Boyle advised the commissioners that the ergonomics advisory committee continues to meet and a schedule of the Ergonomics Advisory Committee's meetings was given to the commissioners. The meetings are open to the public and any commissioners are welcome to attend if they are interested.

The Commissioners were provided an OSHA National News Release dated February 27, 2006 titled OSHA Issues Final Standard on Hexavalent Chromium (Cr (VI)). They also received the Federal Register dated February 28, 2006 laying out regulatory provision for Cr(VI). Ms. Parrott-Boyle advised that this federal standard applies to General Industry, Construction and Shipyards. The Committee is charged with either adopting the standard by reference or developing a Michigan

standard that is at least as effective as the federal standard within six months of the federal standard going into effect.

The existing standard allowed the permissible exposure limit to be 52 micrograms of Cr(VI) per cubic meter of air (from a 1943 ANSI), the new federal standard lowers the permissible exposure limit to 5 micrograms.

Ms. Parrott-Boyle shared with the commission the history and timeline the Hexavalent Chromium standard went through from 1993 to 2006. She further shared with the commissioners the exemptions that the new standard contains including aero space painting, low exposure, and portland cement. She further advised that if the Commission adopts the standard by reference Michigan would have two standards, one for General Industry Safety and Health and one for Construction Safety and Health.

Commissioner Faville asked a question as to why there were differences between the original proposed standard and the final standard that OSHA was adopting. Ms. Cynthia Hutchens-Smith advised that there was a comment period and some changes were made after this comment period had expired based upon information and comments received and that the preamble includes detailed information.

A motion was made by Commissioner Faville and seconded by Commissioner Miller to adopt the federal OSHA standard on Hexavalent Chromium as two Michigan standards one for General Industry and one for Construction. **MOTION CARRIED UNANIMOUSLY.**

After further discussion on the limits contained in OH Part 301 Air Contaminants a motion was made by Commissioner Miller and seconded by Commissioner Faville to open OH Part 301 Air Contaminants to update that standard to reflect the changes made by the new federal Hexavalent Chromium standard. **MOTION CARRIED UNANIMOUSLY.**

At this time Chairperson DeYoung moved to Item Number 10 on the agenda and offered the public an opportunity for comments.

Agenda Item #10--Old Business

a. Diisocyanates Advisory Committee Proposed Draft Standard

A guest, Ms. Donna Bennett spoke to the Commissioners and advised them of her belief that her fiancé, George Allen, died after being removed from life support on December 19, 2005 after an exposure to diisocyanates on December 13, 2005. She stated since that event she has devoted her time to researching and studying diisocyanates. She stated she had heard of another fatality where an individual died after an exposure to diisocyanates while spray painting. She urges the commission to go forward with the promulgation of the proposed diisocyanates standard. She also requested she would like to see the standard titled the George Perry Allen rule in memory of her late fiancé.

Ms. Parrott-Boyle stated the Diisocyanates Advisory Committee had submitted their diisocyanates draft for the commissions review and action and after much discussion this was tabled at their last meeting. Ms. Parrott Boyle reviewed previously discussed issues regarding the definition of "Exposure or exposed" and the 'Signs and Posting' provision. The Commissioners reviewed the language they had developed at their last meeting.

Marsha Parrott-Boyle also showed the commissioners some examples of "exposure" definitions from other standards as requested at their last meeting.

The definition was proposed to be changed to:

"Exposure or exposed" means when an employee uses diisocyanates in the course of employment and **whose job includes a** reasonable anticipation of contact to diisocyanates including possibility of accidental exposure. Exposure includes any route of entry (e.g. inhalation, ingestion, skin contact or absorption). See appendix A for job classification examples."

After further discussion, a motion was made by Commissioner Torbert and was seconded by Commissioner Novak that the Commission replace the word "has" with the words "whose job includes a" into the definition in section 2 (a).

MOTION CARRIED UNANIMOUSLY

The Commissioners reviewed the issue of whether or not a requirement for signs should be included back into the proposed diisocyanates proposals. The advisory committee was unable to reach a consensus on this issue, so they turned this issue over to the Commission for a decision.

Chairperson Deyoung invited Dr. Kenneth Rosenman to speak to the health effects of diisocyanates and signage.

Dr. Rosenman advised that 15% of work related asthma was caused by diisocyanates. This can happen by skin contact, spills, or leaks. Dr. Rosenman also stated that he supports the need for signage where diisocyanates is used.

The Commissioners discussed how signs would be beneficial if they were provided and what information they should contain.

The proposed Rule 14 (1) was revised to read:

"Caution signs **stating diisocyanates are used** shall be posted in areas where diisocyanates are used and shall include direction where further detailed information can be obtained, i.e. material safety data sheets."

The Commissioners also discussed what type of respirators were needed and how detailed the signage would need to be. After further discussion the commissioners felt in Rule 14(2) the word 'appropriate should be included before the word respirator to read as follows:

“APPROPRIATE RESPIRATORY PROTECTION REQUIRED IN THIS AREA”

After further discussion a motion was made by Commissioner Miller and was seconded by Commissioner Faville that the Commission add back into the draft rule 14 for signage with the addition “stating diisocyanates are used” in Rule 14 (1) and adding the word ‘appropriate’ in front of respirator in the language to be included on the sign in Rule 14 (2).

MOTION CARRIED UNANIMOUSLY

A motion was made by Commissioner Faville and was seconded by Commissioner Torbert that the Commission approve the Diisocyanates draft as amended and move it forward in the promulgation process.

MOTION CARRIED UNANIMOUSLY**Agenda Item #8 – MIOSHA Update – Doug Kalinowski**

Mr. Kalinowski advised that effective February 3, 2006 David Hollister had resigned from the position of Director of the Michigan Department of Labor and Economic Growth (DLEG). Robert Swanson is currently serving as acting director. Paula Cunningham was to begin her appointment as Director on March 6, 2006 however due to contractual issues with her current position she was not able to come on board as expected. Mr. Swanson will continue to serve until a new DLEG Director is named.

Mr. Kalinowski informed the Commissioners that for federal OSHA confirmation is expected soon that Ed Folk will become the new OSHA Secretary of Labor.

Mr. Kalinowski reported that HB 5447 that had been passed by the legislature in an attempt to amend Act 154 and dictating that no budgeted money be used to pursue an ergonomic standard was vetoed by the Governor. Copies of the Governor’s veto letter were distributed.

Mr. Kalinowski announced that the MIOSHA offices will be relocated from the General Office Building to the Hollister Building in downtown Lansing on April 6 through the 9th. MIOSHA will work out of the Hollister building approximately six months while our space in the General Office Building is updated with necessary electrical and ventilation technology. The Commissioners received a map showing where the MIOSHA offices will be. The Standards Section plans to still hold the Commission meetings at the General Office Building for the convenience of the Commissioners and the ease of parking.

Agenda Item #6—Construction Safety & Health Division Update--Robert Pawlowski, Director

Mr. Robert Pawlowski stated there were a total of seventeen fatalities investigated by his division for the year 2005. So far in 2006, his division is handling three fatalities, one electrocution; one fall; and one cave-in.

Mr. Pawlowski advised that a one day Construction Forum was held March 6, 2006 at Schoolcraft College. This event had leaders from both small and large construction related employers speaking of construction safety and health programs and they gave examples of their success.

Mr. Pawlowski informed the Commission that on March 7, 2006 a meeting was held with Walbridge Aldinger regarding the new North Terminal at the Detroit Airport, this project is anticipated to be a 297 million dollar project.

Agenda Item #7—General Industry Safety & Health Division Update—John Brennan, Director

Mr. John Brennan informed the commissioners that the division staffing has not changed since the last Commission meeting and that the four new industrial hygienists and three new safety officers have all completed their training and are out doing inspections on their own.

Mr. Brennan advised that the Employee Discrimination Section has been working towards a goal of handling 75% of discrimination cases within 90 days. Last October they were at 34% and in February of 2006 they reached 89% of all MIOSHA discrimination cases investigated within 90 days of receipt of the complaint.

Mr. Brennan reported that on January 31, 2006 all of MIOSHA's compliance staff as well as the consultation staff received training on the updated Field Operations Manual (FOM). Mr. Brennan advised that a workgroup had been working on revising and updating the FOM for over a year for more consistency within MIOSHA's programs.

Mr. Brennan also reviewed the year end fatality report for 2005. He further advised that there had been 5 general industry related fatalities so far in 2006 none health related. Materials were distributed to the commissioners related to the fatalities

Agenda Item #6--OSHA Update--Cynthia Hutchens-Smith, Area Director

Ms. Cynthia Hutchens-Smith advised that in addition to the earlier information provided regarding hexavalent chromium that the standard attempts to accomplish consistency between general industry and construction. In the previous standards general industries standard measured by a ceiling and the construction standard measured by an 8 hour time weighted average. The new standards will have both areas getting the results in the same manner.

Agenda Item #8--New Business

None

Agenda Item #9—Next Meeting

Next Scheduled Meeting: June 14, 2006
At the General Office Building, 7150 Harris Drive, Lansing
Conference Room B - 9:30 to noon

Agenda Item #10--Public Comment

None

Agenda Item #11--Adjournment

A motion was made by Commissioner Glynn and was seconded by Commissioner Longoria that with no further business before the Commission, the meeting be adjourned.

MOTION CARRIED UNANIMOUSLY

Mr. Robert DeYoung, Chairperson

Date